

FILED

DEC 27 2004

ORDINANCE NO. 2004- 21

AN ORDINANCE CREATING A FUND TO RECEIVE Auditor Franklin County
MONIES PURSUANT TO ORDINANCE NO. 2004- 21

WHEREAS, the Commissioners of Franklin County, Indiana on the 26th day of July, 2004 adopted an Ordinance Creating Commissioners Counsel on Historic Metamora, that being Ordinance No. 2004- 09, and

WHEREAS, there exists no fund to receive monies generated by Ordinance No. 2004- 09 by penalties and/or filing fees.

BE IT NOW ORDAINED by the Board of Commissioners of Franklin County, Indiana:

1. There is hereby created a fund which shall be called the "Historic Metamora Fund".
2. The purpose of the fund is to receive monies generated by Ordinance No. 2004- 09 in the nature of penalties and/or application fees.
3. Expenditures from monies in this fund may be used by the Council on Historic Metamora to cover costs associated with Ordinance No. 2004- 09.
4. This fund shall be created upon passage of this Ordinance and shall continue so long as Ordinance No. 2004- 09 remains in full force and effect, or until terminated by subsequent Ordinance.
5. Upon termination of this Ordinance, any funds remaining shall revert to County General.

BE IT NOW ORDAINED AND ADOPTED this 27th day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
OF FRANKLIN COUNTY, INDIANA

ATTEST:

Carol L. Monroe
Carol L. Monroe
Auditor, Franklin County, Indiana

Louis E. Sinkel

Robert W. Frank

Thomas E. Widson

FILED

DEC 27 2004

ORDINANCE NO. 2004-20

An Ordinance concerning Tattoo Parlors and Body Piercing Facilities

Carol M. Murrell
Auditor Franklin County

IT IS ORDAINED BY THE BOARD OF COMMISSIONERS OF FRANKLIN COUNTY, INDIANA, as follows:

Section 1. Tattoo parlors and body piercing facilities shall be operated in accordance with this ordinance and 410 IAC 1-5.

Section 2. Sanitary operation of Tattoo Parlors and Body Piercing Facilities: All places, individuals and businesses that offer to affix any type of permanent tattoo, or perform body piercing to a person shall be regulated by this ordinance and shall maintain the premises in which tattoos and body piercings are to be performed and equipment used in the processes in a sanitary manner.

Section 3. All tattoo parlors and/or body piercing facilities shall have hand washing facilities in each tattooing and/or body piercing station. Each hand washing facility shall have a sink with an approved running water source, soap, and single use towels. The sink shall be separate from the public restroom facilities.

Section 4. Operators shall keep disinfection and sterilization equipment in an area that is not accessible to the public.

Section 5. Operators shall maintain records of each patron with the following information:

- Name
- Age
- Date tattooed or pierced
- Design of tattoo
- Location of tattoo or piercing
- Name of artist
- Jewelry or other decoration used

Section 6. Operators shall require all tattoo artists and/or body piercers to show proof of having received the hepatitis B vaccination or proof of having declined said vaccination by signing a waiver.

Section 7. Personal protective equipment shall be readily available. Disposable gloves shall be worn during the tattooing and/or body piercing process.

Section 8. Inspection of Tattoo and/or Body Piercing Facilities: The Franklin County Health Department will perform an inspection of the facility prior to issuing an annual permit.

Section 9. Permit and Permit Fees:

- (a) No person may operate a tattoo parlor and/or body piercing facility without obtaining a permit. Such a permit shall be posted in a conspicuous place at the facility. The permit shall be in effect on the date of issuance and be renewed annually.
- (b) The permit fee shall be fifty dollars (\$50.00) annually. Payable at the time of inspection and/or permit issuance.
- (c) An additional fee of seventy five dollars (\$75.00) shall be imposed when a facility is opened without obtaining a permit.
- (d) Temporary or mobile tattoo parlors and/or body piercing facilities shall be prohibited from obtaining a permit.
- (e) No permit obtained under this ordinance may be transferred to another person or another location. No refund will be granted for any unexpired period of the permit.

Section 10. Closure of Tattoo Parlors and Body Piercing Facilities: Tattoo parlors and body piercing facilities may be closed when any of the following occur:

- (a) Proper hand-washing sink not provided at each station.
- (b) Conditions that present an imminent threat to public health or transmission of communicable disease.
- (c) Three or more occurrences of the conditions described in this ordinance within a 12 month period.

The Health Officer may post a sign notifying the public that the facility has been closed. It is a violation of this article for any person other than the Health officer to remove this sign.

DATED THIS 27th DAY OF December, 2004.

BOARD OF COUNTY COMMISSIONERS
OF FRANKLIN COUNTY, INDIANA

Ronnie E. Liskel

Robert O. Brack

Thomas E. Wilsey

ATTEST:

Carol L. Monroe

Carol L. Monroe
Auditor, Franklin County, Indiana

**COUNTY COUNCIL
FRANKLIN COUNTY, INDIANA**

ORDINANCE 2004-15

**AN ORDINANCE ESTABLISHING A "RAINY DAY FUND" PURSUANT TO
INDIANA CODE 36-1-8-5.1**

WHEREAS, Indiana Code 36-1-8-5.1 permits an Indiana County to establish a "Rainy Day Fund" to receive transfers of unused and unencumbered funds under Indiana Code 36-1-8-5.1 and

WHEREAS, the fiscal body of Franklin County, Indiana desires to establish a "Rainy Day Fund" pursuant to Indiana Code 36-1-8-5.1.

NOW, THEREFORE, BE IT ORDAINED by the County Council of Franklin County, Indiana, that there is hereby established, a Rainy Day Fund for Franklin County, Indiana to receive transfers of unused and unencumbered funds under Indiana Code 36-1-8-5.1.

The sources of funding for the Rainy Day fund shall include:

1. Transfers of unused and unencumbered funds authorized by I.C. 36-1-8-5, not to exceed Ten Percent (10%) of Franklin County's total budget for the fiscal year;
2. Supplemental distribution of excess County Adjusted Gross Income Tax (CAGIT) funds pursuant to I.C. 6-3.5-1.1-21.1;
3. Supplemental distribution of excess Economic Development Income Tax (EDIT) funds pursuant to I.C. 6-3.5-6-17.3 and I.C. 6-3.5-7-17.3; and,
4. Supplemental distribution of excess funds from any special account of Franklin County pursuant to I.C. 6-3.5-6-17.3 and I.C. 6-3.5-7-17.3.

The purposes of the Rainy Day Fund shall include financing the development and implementation, including construction costs, for capital projects in and for Franklin County, Indiana, and other expenditures as deemed necessary to best serve the residents of Franklin County, Indiana.

The Rainy Day Fund shall be subject to the same appropriation process as other funds that receive tax money.

IN WITNESS WHEREOF, the County Council of Franklin County, Indiana, hereunto sets their hands that this Ordinance be deemed effective this 24th day of August, 2004.

AY'S

Donald B. Williams
Donald (Butch) Williams

John Palmer
John Palmer

Martha Bergman
Martha Bergman

Robert Runyon
Robert Runyon

Hollie Sintz
Hollie Sintz

Jeff Koch
Jeff Koch

Kenneth J. Rosenberger
Kenneth Rosenberger

NAY'S

Donald (Butch) Williams
Donald (Butch) Williams

John Palmer
John Palmer

Martha Bergman
Martha Bergman

Robert Runyon
Robert Runyon

Hollie Sintz
Hollie Sintz

Jeff Koch
Jeff Koch

Kenneth Rosenberger
Kenneth Rosenberger

ATTEST:

Caron L. Monroe
Caron L. Monroe
Franklin County Auditor

FILED

JUL 26 2004

Ray H. M. Smith
Auditor Franklin County

ORDINANCE NO. 2004-12

STANDARD OPERATING PROCEDURE FOR X-26 TASER
FRANKLIN COUNTY SHERIFF'S DEPARTMENT

The purpose of this Standard Operating Procedure is to establish guidelines for the use of the Taser X-26 as a non-lethal method of controlling violent offenders and those who resist arrest or other lawful commands. This procedure shall apply to all officers.

All Officers shall be issued a copy of this Order and be instructed in Department policies regarding the use of force.

Definition: Use of Taser X-26: Is the actual touch stun or probe contact.

Policy/Procedures: The use of the Taser X-26 by Sheriff's Officer's, is intended to prevent injury to the subject involved, the officer involved, and other persons present.

- A) The use of the Taser X-26 is authorized when the implementation of lesser control measures is perceived to be inadequate.
- B) The Taser X-26 may be used as necessary against an animal to prevent injury to oneself or another person.
- C) No demonstration of any kind may occur without prior approval of the Sheriff of Franklin County. This is not intended to restrict the use of spark warnings, when being utilized for a legitimate law enforcement function.

Issue of the Taser X-26:

- A) Only a Department issued non-lethal Taser X-26, electrical incapacitation device shall be carried by Officers.
 - 1) All Officers shall undergo an initial training program. All training shall be coordinated by a certified Taser Instructor.
 - 2) Officers issued a Taser X26 must maintain the device in a ready state and have it available for use without unnecessary delay.
 - 3) Annually, all Officers will receive proficiency training in the use of the Taser X-26.
 - 4) All Officers will receive recertification training in Taser use by a certified Taser instructor every two(2) years.

Application:

Continuum

A) The Taser X-26 will be placed at the Compliance Control level of the Indiana control continuum. The Taser X-26 will be used when the subject's actions constitute Active Resistance. The Taser X-26 may be deployed whenever a situation arises where the use of force techniques exposed the officer, the subject or the public to unnecessary danger, or when other force techniques have been or may be ineffective.

- 1) Officer presence / Verbal direction
- 2) Compliance controls (X-26 Taser)
- 3) Physical controls
- 4) Intermediate controls
- 5) Deadly force

Tactical considerations & Limitations

A) Do not use in any of the following situations:

- 1) Any known or obviously pregnant female.
- 2) Any subject who is saturated with or in the presence of highly flammable or combustible materials and liquids.
- 3) Any subject who may receive a secondary injury resulting from its use, i.e. ... standing on a roof ledge or high elevation.
- 4) Avoid the facial area of the head, neck, groin and female breast, if possible.
- 5) Any person that is shackled and handcuffed, unless there is an immediate threat to the officer, suspect or bystander.
- 6) Should not be used as a tool of coercion or punishment.
- 7) Excessive use of the X-26 Taser in subduing a subject is forbidden.

After Care for the Taser:

A) Once the subject is in custody, the Officer deploying the Taser will properly remove the probes, using gloves, and clean the area of probe insertion using a sterile alcohol wipe and band-aid. Officers shall wear latex gloves for probe removal, puncture site shall be treated with antibiotic and adhesive bandage as soon as available. This procedure is to be followed unless the probe is embedded in an area, which would require removal by qualified medical personnel.

- 1) Probes imbedded in the eye, face, neck, aureole (nipple), or groin, shall be removed by qualified medical personnel. (Possible injuries from a fall after being Tased should be anticipated.)
- 2) Suspects who become injured as a result of a fall or other injuries may require the transport of the suspect to a medical facility for medical care. This care is only required if the suspect sustains injuries above the level of simply being shot with the Taser probes. Care may also be required under section 1 of this section.

Writing Report & Equipment

- 1) The air cartridges and probes used shall be tagged into evidence. Since the probes probably have blood on them (biohazard). The probes shall be inverted into the portals which they were fired from (this will prevent sharp ends from penetrating the evidence envelope). Tape should be placed over the portals to secure the probes in the cartridge. Place into evidence envelope.
- 2) AFID (Anti-Felon Identification); every time an air cartridge is fired, it disperses 20-30 identification tags called AFIDs. These tags are printed with the serial number of the cartridge and can be used to determine who fired the cartridge. At least two AFIDs will be placed inside the evidence envelope with the air cartridge. The number from the AFID's shall be logged on the use of force report.
- 3) The X-26 Taser shall be turned over to the Taser Administrator for downloading of information from the Taser.
- 4) The Taser Administrator will retain all records and downloaded information.

Officer's shall in addition to a case report complete the "Taser Report" form and include it in the case file.

Read and approved by Sheriff Dale Maxie

Dale Maxie

Approved this 26th day of July, 2004.

Louis E. Linkel

Louis E. Linkel

Robert O. Brack

Robert O. Brack

Thomas E. Wilson

Thomas E. Wilson

Franklin County Board of Commissioners

7/19/04

Attest:

Carol L. Monroe

Franklin County Auditor

FILED

MAY 3 2004

STATE OF INDIANA)
COUNTY OF FRANKLIN) SS:

IN RE: THE VACATION OF A PORTION)
OF A PUBLIC WAY LOCATED IN METAMORA)
TOWNSHIP, FRANKLIN COUNTY, IN)

Carol Monroe
Auditor Franklin County

ORDINANCE NO. 2004-06

COUNTY OF FRANKLIN, STATE OF INDIANA

BE IT ORDAINED by the Board of County Commissioners for the County of Franklin, State of Indiana, pursuant to I.C. 36-7-3-12, that pursuant to a Petition to Vacate a Portion of a Public Way filed with the Board of County Commissioners for the County of Franklin, State of Indiana, on the 12th day of April, 2004, in behalf of Mary Pollitt, as Petitioner, the following described portion of the public way is hereby vacated.

That portion of said public way which is hereby vacated is more particularly described as follows:

That portion of the public way located in Metamora Township, Franklin County, Indiana which runs in an east and west direction through the tract of real estate owned by Petitioner as described in the Petition to Vacate filed herein; and also partially south of the tract of real estate described in the Petition to Vacate as being owned by Petitioner upon the right-of-way owned by the Indiana Department of Natural Resources along the Whitewater Canal. The travelway is approximately 8 feet wide and has located thereon a gravel driveway. The portion of that public way hereby vacated is not utilized by any other property owner for gaining access to their property, and is not utilized by the public for access to any public place.

The County of Franklin reserves an easement for the future location of utility lines on the portion of the public way vacated, and an easement for the maintenance and upkeep of the Whitewater Canal is reserved to the Indiana Department of Natural Resources.

This Ordinance shall be in full force and effect from and after its passage by law.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS for the County of Franklin, State of Indiana, this 3RD day of May 2004.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, INDIANA

By: *James E. Larcher*
By: *Robert D. Brach*
By: *Thomas E. Wilson*

ATTEST:

Carol Monroe
CAROL MONROE
Auditor, Franklin County, IN
(re pollitt ord)

ORDINANCE NO. 2004 - 08

AN ORDINANCE REVOKING CHAPTER 84: HISTORIC PRESERVATION CODE
ORDINANCE NO. 1989-3

BE IT ORDAINED by the Board of County Commissioners of the County of Franklin, Indiana, that all provisions of the Ordinance establishing an historic preservation code as passed as Ordinance No. 1989-3, and all amendments thereto, are hereby fully revoked.

BE IT NOW ORDAINED AND ADOPTED this 26th day of July, 2004.

BOARD OF COUNTY COMMISSIONERS
OF FRANKLIN COUNTY, INDIANA

Chris E. Seubel

Robert D. Brach

Thomas E. Wilkey

ATTEST:

Carol L. Monroe

Carol L. Monroe
Auditor, Franklin County, Indiana

LED

JUL 26 2004

Mary Seufert
FRANKLIN County Recorder IN
IN 2004003296 ORD
07/27/2004 10:20:22 15 PGS
Filing Fee: \$37.00

ORDINANCE NO. 2004- 09

[Signature]
Auditor Franklin County

AN ORDINANCE CREATING CHAPTER 84 COMMISSIONERS COUNCIL
ON
HISTORIC METAMORA

WHEREAS, the unincorporated Town of Metamora, Indiana, is unique in its business and history, and

WHEREAS, the Commissioners of Franklin County, Indiana, in recognition of its business and history, are desirous of appointing a council to provide stability and direction to residents and business owners of Metamora,

BE IT NOW ORDAINED by the Board of Commissioners of Franklin County, Indiana:

I. There is hereby created the Commissioners Council on Historic Metamora to serve the historic preservation area of the unincorporated Town of Metamora, Franklin County, Indiana, hereinafter referred to as the "Council."

SECTION 84.01
THE BOARD OF REVIEW

The Council shall consist of seven (7) voting members who shall be selected as follows:

1. The voting members shall be nominated by the Metamora community and then appointed by the County Commissioners of Franklin County, Indiana; the Commissioners appointments to the Council shall consist of the following:

a. One (1) member shall operate a business and own real estate within the primary district.

b. One (1) member shall own real estate and reside in the secondary district.

c. One (1) member shall own real estate in Duck Creek Crossing and reside within the State of Indiana.

d. One (1) member shall own real estate and operate a business in the unincorporated Town of Metamora and reside in Franklin County, Indiana.

e. One (1) member shall own real estate and operate a business in the unincorporated Town of Metamora and reside within the State of Indiana.

f. Two (2) members shall be appointed from any of the above categories.

2. Voting members shall serve a term of two (2) years; however, the initial term shall be four (4) members for two (2) years and three (3)

COMMITTEE

boundaries of a property containing a single building, structure or site; the map may divide a district into primary and secondary areas; all of any district created by the provisions of this ordinance shall be considered a primary area if the map makes no contrary designation.

3. The council shall classify and designate on the above referenced map all buildings and structures within each historic area described on the map; buildings and structures shall be classified as historic or non-historic as follows:

a. Historic buildings and structures must possess identified historic or architectural merit of a degree warranting their preservation, and may be further classified as outstanding; notable; contributing; or non-contributing.

b. The council may devise its own system of further classifying historical buildings and structures.

c. Non-historic classification shall be those buildings and structures not classified on the map as historic.

SECTION 84.03

APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS

1. The map setting forth the historic district boundaries and buildings classifications must be submitted to the Board of County Commissioners and approved by separate ordinance before the historic district is established and the buildings classifications take effect.

SECTION 84.04

CERTIFICATE OF APPROPRIATENESS REQUIRED

1. A Certificate of Appropriateness shall be issued by the council before a permit is issued for, or work is begun on, any of the following:

a. Within all areas of the historic district:

- aa. The demolition of any building;
- bb. The moving of any building;
- cc. A conspicuous change in the exterior appearance of existing buildings by additions, reconstruction, alteration, or maintenance involving exterior color changes; or,
- dd. Any new construction of a principal building or accessory building or structure subject to view from a public way.

b. Within a primary area of the historic district:

- aa. A change in walls and fences or construction of walls and fences, if along public ways; or,
- bb. A conspicuous change in the exterior appearance

of non-historic buildings subject to a view from public way by additions, reconstruction, alteration, or maintenance involving exterior color changes.

SECTION 84.05

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

1. Applications for a Certificate of Appropriateness may be made in the office of the Executor Director of the Franklin County Area Plan Commission, or from the council; forms shall be provided by the council. Detailed drawings, plans or specifications are not required; however, each application must be accompanied by such sketches, drawings, photographs, descriptions or other information showing the proposed exterior alterations, additions, changes or new construction so as to permit the council to make a determination on such application.

SECTION 84.06

ACTION ON APPLICATION FOR CERTIFICATES OF APPROPRIATENESS

1. The council may advise and make recommendations to the applicant before acting on an application for a Certificate of Appropriateness.
2. If an application for a Certificate of Appropriateness is approved by the council or is not acted on by the council within thirty (30) days after it is filed, a Certificate of Appropriateness shall be issued by the historic board. If the Certificate is issued, the application shall be processed in the same manner as applications for building or demolition permits required by Franklin County, if any, are processed. If no building or demolition permits are required by Franklin County, the applicant may proceed with the work authorized by the Certificate.
3. If the council denies an application for a Certificate of Appropriateness within thirty (30) days after it is filed, the Certificate may not be issued. The council must state its reasons for the denial in writing, and must advise the applicant of its denial. An application that has been denied may not be processed as an application for a building or demolition permit and does not authorize any work by the applicant.
4. The council may grant an extension of the thirty (30) day limit prescribed by sub-sections 2 and 3 above if the applicant agrees thereto.
5. A Certificate of Appropriateness permit shall be deemed to authorize the particular changes reflected on the permit. Such permit shall expire if, for any reason, the change has not commenced within one (1) year of the date of the permit.
6. Certificates of Appropriateness shall be granted if the council determines that the proposed action is not obviously incongruous (?) with the historic area and shall not be granted if the proposed action is obviously incongruous with the historic area. In determining whether a particular proposal is obviously incongruous with the historic area, the

council shall take into account the purposes of this chapter, the visual compatibility standards contained herein, the historic and architectural significance of the structure and the effect of the proposed change in diminishing or enhancing such significance, the effect of the proposed change on the street scape, and the effect of the proposed change on the district as a whole. The council shall act in a manner which preserves the visual aspects of the architectural and historic character of the area by assuring that obviously incongruous changes are not allowed.

SECTION 84.07

DEVELOPMENT STANDARDS; MAINTENANCE

1. A historic building or structure, or any part of or appurtenance to such a building or structure, including stone walls, fences, light fixtures, steps, paving, and signs, may be moved, reconstructed, altered, or maintained only in the manner that will preserve the historical and architectural character of the building, structure, or appurtenance.
2. An historic building may be relocated to another preservation on its current site is consistent with subsection 1 above.
3. Historic buildings shall be maintained to meet the applicable requirements established under statute for buildings generally.
4. The construction of a new building or structure, and the moving, reconstruction, alteration, major maintenance or repair involving a color change conspicuously affecting the external appearance of any non-historic building, structure, or appurtenance within the primary area must be generally of a design, form, proportion, mass, configuration, building material, texture, color, and location on a lot compatible with the buildings in the historic area, particularly with buildings designated as historic, and with squares and places to which it is visually related.

SECTION 84.08

PRESERVATION RIGHTS, DEMOLITION, AND APPEAL

1. The purpose of this section is to preserve historic areas that are important to the education, culture, traditions, and economic values of Franklin County and to afford the County's historical organizations, and other interested persons, the opportunity to acquire or to arrange for the preservation of these buildings.
2. If a property owner shows that an historic building is incapable of earning an economic return on its value, as appraised by a qualified real estate appraiser, and the Council fails to approve the issuance of a Certificate of Appropriateness, the building may be demolished. However, before a demolition permit is issued or demolition proceeds, notice of proposed demolition must be given for a period fixed by the Council, based on the Council's classification on the approved map, but not less than sixty (60) days nor more than one (1) year. Notice must be posted on the premises of the building proposed for demolition in a

location clearly visible from the street, and notice must be published in accordance with I.C. 5-3-1.

3. The Council may approve a Certificate of Appropriateness at any time during the notice period under subsection 2 above. If the Certificate is approved, a permit for demolition shall be issued without further delay and demolition may proceed.

4. A decision of the Council is subject to judicial review under I.C. 4-22-1 as if it were a decision of a state agency.

SECTION 84.09 VISUAL COMPATIBILITY FACTORS

1. Within the primary area of the historic district, new buildings and structures, as well as buildings, structures and appurtenances that are moved, reconstructed, materially altered, repaired, or changed in color, must be visually compatible with the buildings, squares, and places to which they are visually related generally in terms of the following visual compatibility factors:

a. Height: The height of proposed buildings must be visually compatible with adjacent buildings.

b. Proportion of the building's front facade: The relationship of the width of a building to the height of the front elevation must be visually compatible to buildings, squares, and places to which it is visually related.

c. Proportion of openings within the facade: The relationship of the width of the windows to the height of windows in a building must be visually compatible with buildings, squares, and places to which it is visually related.

d. Rhythm of solids to voids in front facades: The relationship of solids to voids in the front facade of a building must be visually compatible with buildings, squares, and places to which it is visually related.

e. Rhythm of spacing of buildings on streets: The relationship of buildings to the open space between it and adjoining buildings must be visually compatible to the buildings, squares, and places to which it is visually related.

f. Rhythm of entrances and porch projections: The relationship of entrances and porch projections to sidewalks of a building must be visually compatible to the buildings, squares, and places to which it is visually related.

g. Relationship of materials, texture, and color: The relationship of materials, texture, and color of the facade of a building must be visually compatible with the predominant materials used in the

buildings to which it is visually related.

h. Roof Shapes: The roof share of a building must be visually compatible with the buildings to which it is visually related.

i. Walls of continuity: Appurtenances of building, such as walls, wrought iron fences, evergreen landscape masses, and building facades, must form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the building to the buildings, squares, and places to which it is visually related.

j. Scale of a building: The size of a building and the mass of a building in relation to open spaces, windows, door openings, porches, and balconies must be visually compatible with the buildings, squares, and places to which it is visually related.

k. Directional expression of front elevation: A building must be visually compatible with the buildings, squares, and places to which it is visually related in its directional character, including vertical character, horizontal character, or non-directional character.

l. Outside displays: No outside selling is allowed in the primary district of historic Metamora. Outside displays are allowed following these guidelines:

- aa. Displays shall be no more than 24 inches from the front facade of a building.
- bb. Displays shall be no taller than 60 inches from ground level.
- cc. Displays shall be no wider than 48 inches.
- dd. No visible price tags will be allowed.
- ee. No tables, shelving, folding or plastic chairs, or cardboard boxes shall be used in the display.
- ff. Materials such as wood, wrought iron, grill work and so forth are encouraged. Materials such as aluminum and plastic, or materials not made in the time period historic Metamora represents, are not acceptable in the displays.

m. Horticultural and agricultural exception shall be made with written approval from the Council.

n. Vending machines that are already in town may stay but no permits for new vending machines will be issued.

o. Christmas decorations must be removed by January 25.

SECTION 84.10
SIGNS

1. Signs may be permitted by the Council in those parts of historic districts which are classified as Business or Industrial in the Zoning Code, except for Home Occupation uses or certain special exceptions. New signage or alterations to signage shall be required to receive a Certificate of Appropriateness, the same as structural alteration, new construction or demolition.

2. All proposed signs or changes to signs as to their appropriateness within the historic area are subject to Council review. Each sign application shall be reviewed as a unique case, subject to the following criteria, which shall include, but not be limited to:

aa. Allowable sign-types.

11. Flat signs. These signs shall always exist parallel to the building facade, and shall not be painted directly on the building surface, but shall be painted on a separate background material and applied to the facade as a unit.

22. Dimensional surface signs. This sign type shall be parallel to the building facade, and may consist in whole or in part of three-dimensional letter forms applied directly to the building surface, or applied to a separate flat background. The message may be in relief, or depressed by means of carving, etching, routing, positive or negative cut-out, etc.

33. Awnings. Awnings may be used as a means to display a sign, but should be limited to the front drop flat of the awning, and might be achieved as sewn applique or insert, or by painting or silk-screening. Awning fabrics shall coordinate with the character of the building, and with adjoining buildings and awnings. The bottom of awning shall be at least seven (7) feet above its sidewalk.

44. Projecting signs. Projecting signs, except those on a corner, are those which exist ninety degrees to the building surface. The signs' shapes may describe a particular service or activity, and are permitted to have dimension. Projecting signs must be designed for maximum strength, and must connect to sturdy wall bracket units with an adequate gauge of steel or iron strap or chain.

55. Banners. Banners may only be used by "not

for profit organizations" or for upcoming special events with written approval of the Council.

66. Temporary signs. A temporary sign, valance, or display as defined as one being seasonal in nature or as one having a duration of not more than eight (8) weeks, and may be used only by "not for profit groups." A temporary sign, valance, or display will be evaluated relative to its size, material, method of attachment, and its ease of maintenance and cleaning. With written approval of the Council, temporary signs may be up four (4) weeks prior to the event and must be removed no later than three (3) days after the event's completion.

3. Location and Size.

- aa. Dimensional surface signs shall not protrude from the primary building facade surface more than twelve (12) inches.
- bb. Perpendicular to building signs shall not exceed nine square feet (9 sq. ft.) in area, nor shall they extend below a point eight feet (8 ft.) from the sidewalk surface, nor out from the facade surface more than 54 inches.

4. Materials: Materials such as wood, wrought iron, steel, metal, grill-work, etc., which were used in the 19th century are encouraged. Materials such as extruded aluminum and plastic, while not prohibited, may not be appropriate. Simplicity and restraint in material selection, its method of application, or its detail construction, should be consistent with other criteria set forth herein.

5. Method of attachment. The sign's attachment should respect the architectural integrity of the structure and relate to or become an extension of the architecture. (Example: a sign utilizing an archway should reflect the archway in its configuration).

6. Illumination. Signs may appear without illumination or may be illuminated. Lighting source, design, and placement must be as unobtrusive as possible, and the proposed method of lighting is also subject to review by the Council.

7. Sign message. All building signs shall display only the formal name of the bona fide business conducted on the premises, plus brief secondary identification describing the nature of the business, including any agency or franchise affiliations, street numbers, and telephone numbers. One sign per facade shall be allowed, excepting those buildings which front on more than one street. No more than two signs shall be permitted per building.

In the case of buildings occupied by professional offices, perpendicular-

to-building signs may list occupants. No signs should occur above the second story window; however, an exception may be made in this instance by allowing window signs for those professionals occupying the third story of a building.

8. Signs in the historic area which are located in areas classified in the business or industrial districts of the Zoning Code shall be of a simple design and conform to regulation set forth herein, except that in no case will the following be allowed:

- aa. Roof-top signs.
- bb. Painted wall signs.
- cc. Free-standing signs or pylons.
- dd. Billboards.
- ee. Flashing or animated signs or signs with any moving parts.
- ff. Signs which authorize more information than permitted by this ordinance.
- gg. Signs which are back lighted.
- hh. Signs with an accumulated total of more than 100 sq. ft. per establishment or more than 10 percent of the ground floor area of the wall surface.

SECTION 84.11 STREET FURNITURE AND UTILITIES

1. Where possible, and subject to the requirements of local utilities, all new utility lines shall be underground in the historic district.
2. All free-standing light standards or premises shall be of a design which is compatible with lighting throughout the historic area, and subject to the approval of the Council.
3. The design and location of all items of street furniture must be approved prior to placement and subject to the approval of the Council. Similar designs should be used throughout the historic district.

SECTION 84.12 HISTORIC PRESERVATION OFFICER

1. The Executive Director of the Area Plan Commission shall be designated as the Historic Preservation Officer, and he and his office shall provide such technical, administrative and clerical assistance as required by the Council.

SECTION 84.13 FILING FEES AND APPLICATION FORMS

1. Applications for the following shall be accompanied by the following fees:
 - a. Certificate of Appropriateness \$20.00

b. Demolition Permit	\$25.00
c. Appeal	\$50.00

SECTION 84.14

THE METAMORA HISTORICAL PRESERVATION AREAS

1. The primary historical area is described by the attached "Exhibit A."
2. The secondary historical area is that area generally described as follows:

The north line to be U.S. Highway 52 as far east on said highway to the north south half section line in section 31 and as far west as the west fork of the Whitewater River; the east line to be that portion of the north south half section line of section 31 between U.S. Highway 52 and a point 450 feet south of the Whitewater Valley Railroad; the depth of the secondary area to follow a line 450 feet south and parallel to the center line of the Whitewater Valley Railroad; excepted from the foregoing is "Exhibit A."

SECTION 84.15

RELATIONSHIP TO ZONING DISTRICTS

1. The regulations provided in this Ordinance are intended to preserve and protect the historic architecturally-worthy buildings, structures, sites, monuments, streetscapes, squares, and neighborhoods within the historic district incorporated in the Town of Metamora, Indiana. Zoning districts lying within the boundaries of the primary historic district are subject to the regulations for both the zoning district and the historic area. If there is a conflict between the requirements of this Ordinance and the zoning district, the more restrictive requirements shall apply.
2. The foregoing is intended to be in conjunction with Section 80.45 of the Area Zoning Code for Franklin County, Indiana.

SECTION 84.16

INTERPRETATION OF ORDINANCE; NONCONFORMING USES.

1. This Ordinance is to be interpreted as being consistent with the existing Area Zoning Code of Franklin County, Indiana.
2. Any building, structure, or land use in existence at the time of the adoption of the historic district on November 4, 1974 that is not in conformity to or within the zoning classification or restrictions or requirements of architectural standards of this Ordinance shall be considered to be a nonconforming use and may continue, but only so long as the owner or owners continuously maintain this use.
3. In addition to the requirements pertaining to Certificates of Appropriateness, the ownership of a nonconforming use is subject to the additional restriction that a nonconforming use may not be

reconstructed or structurally altered to an extent exceeding in aggregate cost fifty percent (50%) of the market value thereof unless the structure is changed to a conforming use.

SECTION 84.99
PENALTIES

1. This Ordinance may be enforced by the council or by the Area Plan Commission.
2. This Ordinance may be enforced through civil proceedings in the Circuit Court of Franklin County, Indiana, and any legal, equitable, or special remedy may be sought, including injunction or civil penalty.
3. Any interested person or affected owner may also seek to enforce this Ordinance, and may pursue any remedy herein, excepting civil penalty.
4. If the owner of property in the primary historic district fails to maintain such property in accordance with this Ordinance, the Council or Area Plan Commission shall give the owner written notice of the violation, and the owner shall have thirty (30) days after receipt of notice in which to remedy such violations, or to otherwise respond to such notice.
4. Any person or corporation in violation of this Ordinance may be punished by fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00). Each day the violation of this Ordinance continues shall constitute a separate offense.

BE IT NOW ORDAINED AND ADOPTED this 26th day of July, 2004.
BOARD OF COUNTY COMMISSIONERS
OF FRANKLIN COUNTY, INDIANA

Louis E. Linkel
Robert O. Burch
Thomas E. Wibbey

ATTEST:

Carol L. Monroe
Carol L. Monroe
Auditor, Franklin County, Indiana

EXHIBIT A

Being a part of the East Half of Section 36, Township 12 North, Range 12 East, and a portion of Section 31, Township 12 North, Range 13 East, both in Metamora Township, Franklin County, Indiana, and being bounded and described as follows: Beginning at the intersection of the South Right-of-Way of Main Street as platted in the Town plat of Metamora, with the line which runs between Section 36-12-12 and Section 31-12-13; Thence running along the extension of the South right-of-way of said Main Street Easterly until it intersects the East Bank of Duck Creek; Thence following the East Bank of above said Duck Creek Northerly and Westerly until said East Bank intersects the centerline of U.S. Highway #52; Then following the center of said U.S. Highway #52 in a westerly direction to the intersection off said centerline with the extension of the West line of A 4.13 Acre tract as described in Deed Record 84, Page 354 (State of Indiana property); Thence leaving said centerline and following said extension of said West line and said West line of said 4.13 Acre tract in a Southerly direction to a point in the center of Clayborn Street; Thence running Easterly to the West line of platted Metamora, said line also being on the East side of the property described in Deed Record 101, Page 918; Thence running Southerly along said West line of Metamora and said East line of Deed Record 101, Page 918 and extension of said line to the Northwest corner of Duck Creek Crossing; Thence South along the West line of Duck Creek Crossing to the Southwest Corner of said property; Thence Easterly along the South line of said Duck Creek Crossing to the Southeast corner of said property; Thence in an Easterly direction to the Northwest corner of a 0.25 Acre tract of land as described in Deed Record 59, Page 228; Thence South along the West line of said 0.25 Acre tract to the Southwest corner of said property; Thence Easterly along the South line of said 0.25 Acre tract and another 0.25 Acre tract as described in Deed Record 98, Page 758 to the Southeast corner of said property; Thence Northerly to the Northeast corner of said property, said point being on the South line of Mount Street; Thence Easterly along the South line of said Mount Street and extension of said South line until it intersects the line which runs between Section 36 and Section 31; Thence North following said Section line to the place of beginning. Specially, this area is delineated on a map, which is hereby made a part of this Code. The historic resources in the Metamora Historical Preservation Area have been recorded in the Franklin Interim Report as part of the Indiana Sites and Structures Inventory, 1978. A copy of this is on file in the offices of the County Auditor and the Historic Preservation Officer and is available for public inspection during regular office hours.

PROOF OF PUBLICATION

AFFIDAVIT

Franklin County)
) ss:
State Of Indiana)

COPY

Personally appeared before me, a notary public in and for said county and state, the undersigned Bonnie Chaney, who being duly sworn says that (he or she) is of competent age and is Bookkeeper of The Brookville American, a weekly newspaper which for at least five (5) consecutive years has been published in the town of Brookville, county of Franklin, state of Indiana, and which, during that time, has been a newspaper of general circulation, having a bona fide paid circulation, printed in the English language and entered, authorized and accepted by the post-office department of the United States of America as mailable matter of the second-class as defined by the Act of Congress of the United States of March 3, 1879, and that the printed matter attached hereto is a true copy, which was duly published in said newspaper 1 times, the dates of publication being as follows:

June 23, 2004

Bonnie Chaney
Affiant

Subscribed and sworn to before me this 23rd day of June, 2004
My commission expires 1-11-09 Donna Minton

NOTICE

The public is hereby given NOTICE that the following proposed Ordinances will be reviewed and considered for final passage by the Area Plan Commission on the 14th day of July, 2004, at the hour of 7:00 p.m. EST, at the Franklin County Courthouse, second floor Conference Room, Brookville, Indiana.

The text of the Ordinances to be considered are as follows:

Proposed Ordinance No. 2004-08 revoking former Ordinance No. 1989-3 and amendments thereto.

Proposed Ordinance No. 2004-09 creating Chapter 84 Commissioners Council on Historic Metamora.

Text of both Ordinances available for reviewing at the Office of the Auditor of Franklin County, Indiana; the Area Plan Commission, Franklin County, Indiana; County Commissioners Office, Franklin County, Indiana; and the following libraries: Brookville Public Library, Laurel Public Library, and Batesville Public Library.

25-1tcB

Proof of Publication

Notice -
Ordinances

Franklin Co.
Commissioners

Printer's Fees . \$ 12.33

Posters \$ _____

Total \$ 12.33

Filed:

PROOF OF PUBLICATION

AFFIDAVIT

Franklin County)
State Of Indiana) ss:

COPY

Personally appeared before me, a notary public in and for said county and state, the undersigned Bonnie Chaney, who being duly sworn says that (he or she) is of competent age and is Bookkeeper of The Brookville Democrat, a weekly newspaper which for at least five (5) consecutive years has been published in the town of Brookville, county of Franklin, state of Indiana, and which, during that time, has been a newspaper of general circulation, having a bona fide paid circulation, printed in the English language and entered, authorized and accepted by the post-office department of the United States of America as mailable matter of the second-class as defined by the Act of Congress of the United States of March 3, 1879, and that the printed matter attached hereto is a true copy, which was duly published in said newspaper 1 times, the dates of publication being as follows:

June 23, 2004

Bonnie Chaney
Affiant

Subscribed and sworn to before me this 23rd day of June, 2004

My commission expires 1-11-07

Donna Minton

NOTICE

The public is hereby given NOTICE that the following proposed Ordinances will be reviewed and considered for final passage by the Area Plan Commission on the 14th day of July, 2004, at the hour of 7:00 p.m. EST, at the Franklin County Courthouse, Second Floor Conference Room, Brookville, Indiana.

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Text of both Ordinances available for reviewing at the Office of the Auditor of Franklin County, Indiana, the Area Plan Commission, Franklin County, Indiana, County Commissioners Office, Franklin County, Indiana, and the following libraries: Brookville Public Library, Laurel Public Library, and Batesville Public Library.

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Proof of Publication

Notice -
Ordinances

Franklin Co.
Commissioners

Printer's Fees . \$ 12.33

Posters \$ _____

Total \$ 12.33

Filed:

FILED

JUL 20 2004

**FRANKLIN COUNTY COMMISSIONERS
ORDINANCE NO. 2004-10**

Cay H. M. [Signature]
Auditor Franklin County

**AN ORDINANCE PROHIBITING SMALL ANIMALS FROM RUNNING AT
LARGE OR DISTURBING THE PEACE. ESTABLISHING ANIMAL CONTROL OFFICER.
AUTHORIZING THE IMPOUNDING OF SMALL ANIMALS.**

BE IT ORDAINED by the Board of County Commissioners of Franklin County, Indiana, that:

SECTION I

Definition:

- a) "SMALL ANIMALS" shall mean, dogs, cats and other animals kept and maintained for other than agricultural purposes, both male and female.
- b) "OWNER" shall mean any person or persons, firm association or corporations owning or keeping a small animal.
- c) "AT LARGE" shall mean off the premises of the owner not under the control of the owner, either by leash, cord, chain, or otherwise.

SECTION II

No owner shall allow or permit small animals to run at large within Franklin County, Indiana.

SECTION III

No owner shall allow a small animal to disturb the peace and quietude of any person or persons within Franklin County, Indiana, by allowing or permitting said small animal to harm human beings or to continuously bark, howl, yelp, or make disturbing noises.

SECTION IV

There is hereby established for Franklin County, Indiana, A Small Animal Control Officer who shall be compensated at a rate to be determined from time to time by the Board of County Commissioners of Franklin County, Indiana.

SECTION V

Any small animal that has bitten any human being must be confined by the owner for observation of rabies at the owner's residence, the Franklin County Small Animal Control Shelter or at a veterinary hospital until either the small animal dies or for a period of not less than ten days. If the owner refuses to confine said small animal, then it shall be the duty of the Sheriff of Franklin County, Indiana or the Small Animal Control Officer to impound said animal in a veterinary hospital, for the Franklin County Small Animal Control Shelter at the expense of the owner. If the owner of such a small animal is moving from the County before the ten days have expired, then it will be necessary for the owner to confine said small animal in a local veterinary hospital, or the Franklin County Small Animal Control Shelter for the remainder to the ten days at the expense of the owner. If the said small animal dies within the ten day period, then the head must be sent to the State Board of Health by the Sheriff of Franklin County, Indiana or the Small Animal Control Officer for examination and diagnosis.

SECTION VI

Any small animal found running at large in violation of this ordinance shall be impounded by the Sheriff of Franklin County, Indiana or by the Small Animal Control Officer. After the impounding period of at least three (3) days in which the small animal has not been redeemed and its proper release has not been obtained by its owners, the small animal shall be disposed of in a manner prescribed by the local health officer having jurisdiction.

SECTION VII

It shall be the duty of the sheriff of Franklin Count Indiana, or the Small Animal Control Officer to impound or destroy any dog found running at large.

SECTION VIII

It shall be unlawful for any person to interfere with or hinder the Sheriff or Small Animal Control Officer in the discharge of their duties under this ordinance.

SECTION IX

It is the intent of the County Commissioners that each separate provision of this ordinance shall be deemed independent of all other provisions herein and it is further the intention of the County Commissioners that if any provisions of this ordinance shall be invalid, all other provisions thereof shall remain valid and enforceable.

SECTION X

This ordinance shall be in full force and effect from and after its passage by the Board of County Commissioners of Franklin County, Indiana.

SECTION XI

Failure to comply with the above ordinance shall result in the issuance of a written warning for the first offense and a twenty-five dollar (\$25.00) fine for each subsequent offense.

Passed, ordained and adopted by the Board of County Commissioners of Franklin County, Indiana, on this 19th day of July, 2004.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, INDIANA

Robert E. Linkel
Robert C. Brack
Thomas E. Whaley

Attest:

Carol M. Deuss
Auditor, Franklin County, Indiana

Proof of Publication

Ordinance
2004-10

Franklin Co.
Commissioners

Printer's Fees . \$ 89.18

Posters \$ _____

Total \$ 89.18

Filed:

FILED

JUL 20 2004

FRANKLIN COUNTY COMMISSIONERS
ORDINANCE NO. 2004- 11

Cayle H. Burrell
• Auditor of Franklin County, Indiana
AN ORDINANCE ALLOWING FOR FEES AND CHARGES BY THE SMALL ANIMAL
CONTROL OFFICER.

Be it ordained by the Board of County Commissioners of Franklin County, Indiana, that the following fees and charges will be made for small animals at the Franklin County Small Animal Shelter:

1. Any small animal having ben held for five (5) days may be purchased for \$15.00.
2. The owner of any small animal who claims said small animal shall pay, prior to removing said small animal from the shelter, the sum of \$15.00, and in addition thereto, an additional charge of \$3.00 per day for any day exceeding one day shall be made for room and board for said animal.
3. All dogs leaving the shelter shall have a dog license tag and shall have a rabies shot which must be paid for by the owner, except if the owner can prove that said dog has had a rabies shot within the past year, the rabies shot shall not be required or if said owner can prove that said dog is under the age of 3 months, said rabies shot shall not be required.
4. This ordinance shall be in effect from and after its adoption.

Passed, ordained and established by the Board of County Commissioners of Franklin County, Indiana, this 19th day of July, 2004.

BOARD OF COUNTY COMMISSIONERS OF
FRANKLIN COUNTY, INDIANA

James E. Perich

Robert O. Brach

Thomas E. Welch

Attest:

Cayle H. Burrell
Auditor of Franklin County, Indiana

FILED

JAN 05 2004

ORDINANCE NO. 20004-01

County of Franklin, State of Indiana

Carol L. Monroe
Auditor Franklin County

BE IT ORDAINED by the Board of County Commissioners for the County of Franklin, State of Indiana, pursuant to I.C. 36-7-3-12, that pursuant to a Petition to Vacate Portion of Public Way filed with the Board of County Commissioners for the County of Franklin, State of Indiana, on the 15th day of December, 2003, by David A. Fuchs and Ruth A. Fuchs, husband and wife, as Petitioners, the following described platted roadway known as Pike Street is hereby vacated, subject to the reservations by the Board of County Commissioners of Franklin County, Indiana, of a utility easement for the location of utility lines, including electric, water, telephone and sewage, and other similar usages should the need for utility lines arise.

The portion of the platted roadway known as Pike Street hereby vacated is more particularly described as follows:

All that part of Pike Street lying West of Lots 50 and 55 on the Plat of the Town of Blooming Grove, Franklin County, Indiana, and all that portion of Pike Street lying East of Lots 51 and 54 on the Plat of the Town of Blooming Grove, Franklin County, Indiana.

Those portions of Pike Street described are hereby vacated, subject to the reservation of easements hereinabove recited for utility lines.

This Ordinance shall be in full force and effect from and after its passage by law.

Passed by the Board of County Commissioners for the County of Franklin, State of Indiana, this 5th day of January, 2004.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, INDIANA

By: *Louis E. Linke*
Robert C. Frank
Thomas E. Wilson

ATTEST:

Carol L. Monroe
Carol L. Monroe
Auditor of Franklin County, IN

ORDINANCE NO. 2004-02
AN ORDINANCE ESTABLISHING PERMIT FEES FOR RETAIL
FOOD ESTABLISHMENTS, BED AND BREAKFAST ESTABLISHMENTS,
AND TEMPORARY FOOD ESTABLISHMENTS

BE IT ORDAINED by the Board of Commissioners of Franklin County, Indiana that:

Ordinance No. 2003-08, Retail Food Establishment and/or Bed and Breakfast Establishment Ordinance, passed March 31, 2003, supercedes all prior Ordinances regarding food service establishments and related definitions,

Such Ordinance is hereby amended as follows:

SECTION D: PERMIT FEES

Fees:

Temporary food establishment permit fee - \$15.00.

Retail food establishment permit fee - \$30.00.

Bed and Breakfast permit fee - \$30.00.

This Ordinance shall be in full force and effect upon passage and recording as provided by law. Any prior Ordinance in conflict with the foregoing is hereby repealed.

Passed, ordained and adopted by the Board of County Commissioners of Franklin County, Indiana on January 5, 2004.

Louis E. Gubel

Robert C. Beach

Thomas E. Wilsey

ATTEST: Cary H. M. Dwyer
Auditor, Franklin County, Indiana

FILED

JAN 05 2004

Cary H. M. Dwyer
Auditor Franklin County